ART. VI. — *Remarks on Literary Property.* By PHILIP H. NICKLIN. Philadelphia. 1838. Nicklin & Johnson. 12mo. pp. 144.

IT is universally admitted, that nothing is more manifestly one's own, than the products of his intellectual activity; and there is no species of the fruits of industry, of which the producer has a better title to the benefits; — and never, in the annals not only of legislation and jurisprudence, but also of robbery by sea or land, was a more dishonest and insolent sentence uttered, than that of Lord Camden in the House of Lords, in Great Britain, in the case of Donaldson *versus* Becket and Others,* that "glory is the reward of science, and those who deserve it, scorn all meaner praise." For it was a reply to the author, who was asking for legal protection of his right to what was, by the universal law of nature, his, being the fruit of his labor; and to whom his Lordship, wielding his fraction of parliamentary omnipotence, says, "I take it away from you, and confiscate it to the public use, because you have received an adequate consideration for its value, in the reputation of having produced it." It is as if a martyr, appealing to the justice of a tyrant, should be told, that the crown of martyrdom was an adequate compensation for his life. It is a sheer and flagrant wrong, accompanied by deliberate mockery, that would be disgraceful, even to the red flag.

Among the objects for establishing social institutions, one is, the guaranty, to each member of the community, of his private, individual rights. If any one, by his industry, fabricates a utensil, or produces corn, the law protects him in the use and disposition of the product of his labor. But not so of the author. He, it seems, is an exception to the rule; and joins society, not as a party to the general bond, but as an outlaw, who is among us, but not of us; an infidel, to whom we good Christians, according to the old Roman Catholic doctrine, are not bound by any oath or compact, — or a Jew, to raise contributions upon, and be despoiled. He is a man of too much glory to mind hunger; and so we take away his bread, he himself protesting all the while, that, maugre the glory, he, and his children too, must needs eat.

* 4 Burr. 2408 (1774).

From the time when literary property became a subject of juridical cognizance in England, down to the statute of 8 Anne, 1710, securing limited copyright, and, indeed, seventy years after the passing of that act, until the decision of the case of Donaldson *versus* Becket and Others, in the House of Lords, the perpetual copyright of the author, or his assignees, was familiarly recognised at Stationers' Hall by the booksellers, and sanctioned by the courts of justice, both in equity and at law. This is called the Right at Common Law; by which is meant, that, merely by the construction of an author's rights and his acts according to the legal principles upon which every man's rights and property are recognised and protected, independently of any express legislation, and then again (at the epoch of that case) by the custom and precedents distinctly traceable through a period of more than two centuries, and, therefore, by the essential and transcendent principle of the unwritten law, an author and his assigns had the exclusive right in perpetuity of multiplying copies of his works, as long as he chose to avail himself of such privilege. This did not amount to a universal prohibition of all publications, except by authors and their assigns; for, as the absolute proprietor of land may dedicate it to the use of the public as a highway, by his acts merely, and without any written declaration, so an author might dedicate his published book to the public use, not only for reading, quotation, and abridgment, and as materials for making other books, which is always implied by the act of publication, but also for the purpose of making and selling copies. And the public were not to be left in doubt, whether the author did thus dedicate the fruit of his labors to public use, since he was presumed so to do, unless he entered the copyright at Stationers' Hall, and gave notice of this fact. This was a notice to the public, that, though he published his work, and sold copies of it, he did this with the reservation to himself, and his assigns, of the right of multiplying copies.

This seems to be very intelligible and very just; since, undoubtedly, the author has the absolute control of his manuscript. The community never pretended to the right of compelling any one either to write a poem for the general benefit, or to publish one he had already written; and, as the author has the control of the publication of his manuscript, it seems to be a natural inference, that he has a right to prescribe the

conditions upon which he publishes and sells it ; so that these conditions are a part of the contract upon which the purchaser of a copy accepts it. And these conditions, in the above case, are, that he may make use of the copy he has bought for any other purpose, excepting that of multiplying copies. What would be the effect of such a notice, in terms printed in every copy of a work published by the author, has not been the subject of judicial decision ; nor do we recollect, that the right of the author has been put upon this precise ground in any of the cases in which the question of perpetual copyright has been contested. The proper subject of legislation seems to be, in this case, not whether the author shall be entitled to what is his own by the plain application of all the principles by which the great mass of individual rights are regulated, but what notice he shall be required to give, that, by publishing his work, he does not abandon the exclusive privilege of multiplying copies.

But so deeply has the notion taken root, that an author has only a temporary right to an exclusive property in what is more emphatically his own creation than any material product of labor can be, that the framers of our constitution do not seem to have dreamed of his having any thing more than such temporary exclusive right ; since they provided, *for the encouragement of learning*, only that Congress might grant the exclusive privilege of publication for a "limited time." Singular *encouragement* this ! It is as if Congress had been empowered to encourage the fisheries by allowing the fisherman some part, not exceeding nine tenths, of all the fish he should take ; or agriculture, by allowing the farmer some portion, not exceeding nine tenths, of the wheat that might grow upon his own land. Governments seem to consider literary productions somewhat in the light in which they formerly did gold and silver mines ; one fifth, tenth, or twentieth part, and sometimes the whole of the product of which, was reserved to the sovereign in the old charters, by which this continent was originally granted to companies and individuals. There was some basis for these reservations, since the European governments, especially those of Roman Catholic countries, after the Pope had granted them their respective diagrams of latitude and longitude of this hemisphere, claimed the dominion and property of the soil. But to carry this doctrine of prerogative and supereminent dominion into

the intellectual world, and set up an exclusive right of the public to one tenth, or five tenths, more or less, of the profits or benefits of the literary compositions, which all subjects or citizens whatsoever might spin out of their own brains, is really a transcendent stretch of arbitrary pretension. But, as the constitution gives Congress an indefinite latitude of discretion, as to what "limited time" copyrights shall be allowed for, it leaves room for substantial justice to authors, or, rather, does not impose upon Congress the necessity of a flagrant and outrageous wrong to them, since the period may be so extended, as to be substantially equivalent in present value to a perpetual right.

In the case of Tonson *versus* Collins, which came up in 1760, Mr. Yates was one of the counsel for the defendant, and accordingly argued against the perpetual copyright. Sir William Blackstone was one of the counsel for the plaintiff, and argued very learnedly and ably in favor of perpetual copyright; and one readily recognises, in his remarks upon copyright, in his "Commentaries," the phraseology and mode of presenting the subject adopted in his argument in that case, as reported by himself. Lord Mansfield and the other judges of the King's Bench were in favor of perpetual copyright, but gave no judgment. When the last elaborate case on the question, the final decision of which, on appeal in the House of Lords, was fatal to the rights of British, and, by consequence, to those of American authors, came before the court of King's Bench, the same Mr. Yates, (we take him to be the same,) who had argued for Collins in the former case, was one of the judges of that court, and still adhered to his former opinion against the rights of authors, and dissented from the opinions of Lord Mansfield and the other two judges, who still maintained the perpetual right. The case occupies over one hundred pages in Burrow's "Reports," so that authors were not disfranchised without an honorable struggle. It is not our purpose to go minutely through all the arguments alleged in favor of this sweeping confiscation of literary property; it will be sufficient to state leading grounds.

The bombastic, puerile trash uttered by Lord Camden, on the occasion of the fatal decision in the House of Lords, has already been noticed. "Glory," said he, "is the reward of science. It was not for gain, that Bacon, Newton, and Milton instructed the world." Fine stuff this, to gloss a pillage.

Yates, — who seems to have emerged and disappeared with this question, — in his argument as counsel in Tonson *versus* Collins, in 1760, and his argument of three hours in length, in Millar *versus* Taylor, 1769, dissenting from the other three judges of the King's Bench, on the subject of the copyright of "Thomson's Seasons," lays down, as one of his main positions, that "nothing can be the object of property, which has not a corporeal substance. There must," says he, "be something visible, which has bounds to define it, and some marks to distinguish it. The property here claimed is all ideal; a set of ideas, which have no bounds or marks whatever. Their whole existence is in the mind alone; incapable of any other modes of acquisition or enjoyment, than by mental possession or apprehension."* "The subject," said Thurlow, afterwards Chancellor, who was also counsel with Yates in the first case, "must be the abstracted, ideal, incorporeal composition. It should," said he, "be something that should be seen, felt, given, delivered, lost, or stolen, in order to constitute property." † "How," asked Lord Mansfield, interrupting him, "would you steal an *option*, or the *next turn of an advowson?*" — a question which presented, in a demonstratively ridiculous light, the sophistry of this objection. The law, as everybody knows, recognises many species of property which cannot be seen, delivered, stolen, &c., such as right of way, of air, light, fishery, common, and the like. The sophistry is double, therefore; first, in assuming that nothing is regarded by the law as *property* excepting corporeal substances, or things having essential reference to such substances; and, secondly, in assuming that, unless you can call the right of the author *property*, it is no right.

Both assumptions are wholly false; the first as we have seen, the second as may be familiarly illustrated. The services of a child are not, any more than the child himself, the *property* of his parent, and yet the parent has an action in case of his being wrongfully deprived of the child's services. A man's reputation is not any species of property, an article of merchandise, a chattel, any kind of goods or effects, by the common law, and yet he has an action for damages against one who libels or slanders him. If we substitute the word

* 4 Burr. p. 2361. † 1 Blackstone's Reports, p. 338.

right, instead of *property*, we shall readily find, that every man has many abstract rights, which are recognised by the law, and which others cannot violate with impunity. Among these rights, an author or his assignee claims that of exclusively multiplying copies of his work. If the law is disposed to protect this right, what occasion is there for any of this metaphysical jargon about *property*, *substance*, *visible*, *palpable*, *impalpable*, *ideal*, *imaginary*, and the like, any more than in vindicating his right to his good name. It is a miserable libel upon the common law, or statute law, or any body of law, to say, that it is profoundly ignorant of whatever is not a direct object of all or some of the five senses. It is not the law, that refuses to recognise whatever is seen only by the mind's eye ; the fault is in the blind judge.

But, then, say the same champions of confiscation, the author, by publishing, abandons his right, or property, or privilege, or whatever he was possessed of, or invested with, before publication. By publication, says Mr. Yates, the author's sentiments, arrangement, and language, "are thrown into a state of universal communication." * "I insist," said Thurlow, "that every subscriber has a right to do what he pleases with the book he has subscribed for." † "Can he complain," says Mr. Justice Yates, "of losing the bird he has himself voluntarily let out ?" ‡ And yet the same judge says, "If the author had not published his work at all, but only lent it to a particular person, he might have enjoined that he should only peruse it ; because in that case the author's copy is his own, and the party to whom it is lent contracts to observe the condition of the loan. But when the author makes a general publication of his work, he throws it open to all mankind." § This is the *gist* of the argument, and a virtual admission of all that is claimed in behalf of copyright ; for if the author can *lend* on condition, why not *sell* on contract with the reader that he may read, abridge, criticize, and make extracts from his work, but shall not multiply copies ? The publisher may sell the paper, ink, and binding, with the right of reading or obliterating the printing, or writing, but not of making copies for sale. Now this is precisely what he does, when he publishes with notice of a claim of copyright. We cannot see but that the cases of loan and sale, in

* 1 Bl. Rep. 334. † 1 Bl. Rep. 407. ‡ Millar *v.* Taylor, 4 Burr.
§ 4 Burr. 2364.

this respect, are precisely parallel. And if they are so, and Mr. Justice Yates is right in his position about the lent manuscript, this ends the argument, as far as this ground is concerned ; and it is, in fact, the main one, and substantially the only one on which the invaders justify themselves. The rest is, for the most part, but spongy declamation, or quibbling metaphysics.

In the discussion in the House of Lords, Lord Kames said, such a right "would be a monopoly more destructive to learning, and even to authors, than a second irruption of the Goths and Vandals." "Monopoly"! as if it were an odious *monopoly*, that a man should have the fruits of his own labor. This is upon a par with the repeal of copyright by the French National Convention, because it had been recognised by law under the description of *privilége*, and so was classed with the privileges of the nobility. What was society instituted for, but to give every man a monopoly of what is his own by the law of nature, and secure it against the rapine of Goths, Vandals, and pirates ? As to such a privilege, or rather the concession of such a right, being destructive to authors themselves, the suggestion is too absurd to be seriously answered. It is very true, that publishers would be more benefited than authors themselves. This, however, is a matter of contract between them ; and though we may regret, that Milton received but fifteen pounds for the copyright of "Paradise Lost," which yielded his publishers as many hundreds or thousands no doubt, yet he had no reason to complain, any more than any other person who has made a bad bargain. But how Lord Kames could persuade himself, if he did so persuade himself, that perpetual copyright would be destructive to authors, cannot easily be divined. As to the destruction, which would ensue to the public by reason of an author or his assignee having the fruit of his labor, it is by no means to be so greatly dreaded, as that likely to follow from the monopoly, which an agriculturist has of the corn, or a grazier of the meat, which he produces on his own farm by his own labor. It would have been much more plausible, had his Lordship proposed the pillage of the farmers, lest we should be starved to death; for their productions we must have, whereas we really can exist without those of the author, however excellent they may be; and if, instead of scattering them at large by a sale, at a reasonable

price, he chooses to limit their circulation by a high price, or to absolutely suppress them, he will starve nobody but himself.

But how ridiculous to talk of destruction to the public from the exercise of a right, which was conceded in England for two centuries and a half after the invention of printing, with entire harmlessness? It is evident, that all the destruction, which could accrue from a perpetual copyright, will necessarily ensue from a limited one, which the Goths and Vandals do not object to; for it never has happened, in all the copyrights ever granted, that the public were not supplied with copies in sufficient number, at reasonable prices. The publishers have suffered from surplus copies infinitely more, than the public for want of them. But, if there is danger that some authors may turn dogs in the manger, this is no reason for disfranchising the whole species. The true remedy is, to take their copyright for the public use, and allow them a reasonable compensation, as we take a proprietor's land for a public highway. It is quite a new principle in legislation, to take away the plain and essential rights of a whole class, lest some of that class might, by possibility, injure themselves, for the singular satisfaction of withholding a benefit from the public. If a man should write a book for the public, and, finding the public wanted it, should thereupon withhold it, he would be a suitable subject for guardianship, so that the law already provides against the catastrophe foreseen by this wise legislator.

We have gone over the leading arguments, as far as the question of perpetual copyright has appeared in British jurisprudence, and have only to notice one objection more, which was offered in the British House of Commons, in the discussion of Mr. Talfourd's bill for the extension of copyright, at the last session of Parliament. There is, it seems, in London, an enterprising bookseller, (or book-buyer, we ought, perhaps, rather to say,) by the name of Tegg, who purchases up all the dead stock to be found in the warehouses of the London publishers. A certain member of Parliament, by the name of Taylor, if our memory is not at fault as to the name, made a speech on that occasion, intended, as we understood it, as republished in some of our newspapers, to be against Mr. Talfourd's proposed bill. To show, — demonstrate, we should say, — that the bill should not pass, he enumerated the cartloads upon cartloads of unsalable editions,

that had been bought up by Tegg, and carted to his premises, to the great profit of the carriers, and the great grief of the authors and publishers, where trunkmakers and readers can be supplied with a pile of books of the size of a haycock, for a song ; whereupon, the said Mr. Taylor seems to have drawn the extremely natural and quite necessary conclusion, that Mr. Talfourd's bill ought not to pass. The logic stands thus, we suppose, — for we are not sure that we fathom it ; — With the present limited copyright, one half of the books go to Tegg's limbo ; therefore, under an extended copyright, they would all go thither ; and thereupon would ensue the destruction to learning and learned men predicted by Lord Kames ; the publisher would be blown into the same region, and readers cease upon the earth ; while Mr. Tegg, and pastry cooks and trunkmakers, would thrive and grow fat. Or the ratiocination may be thus ; A great part of the books published are worth nothing, an utter loss to both author and publisher ; therefore the public ought to plunder the proprietors of those which are worth something. In short, the argument has divers phases, and proves one thing just as well as another. Whether it convinced the House of Commons does not appear, as no vote was taken, the subject having been laid over to the next session ; when we shall learn, perhaps, on the renewal of the discussion, what the number of loads of dead book-stock, carted to Tegg's, has to do with the extension of copyright, more than the loads of other dead stock carried to the provision market.

Our subject is international copyright ; and, in order to present a view of it, we have thus gone over that of copyright to domestic authors ; because the reasons bearing upon the one are, for the most part, applicable to the other. If one had any doubt, that an author, no less than others, has the *right* to demand of society the protection of the fruits of his labor from theft and piracy, he would be convinced of it, by looking at the shallow and dishonest reasons urged against it. We venture to say, that the investigation of the question will lead every fair mind to the conclusion to which Mr. Verplanck and the other members of the committee of Congress came, in their report on the copyright law of 1831. They say ; " Upon the first principles of proprietorship, an author has an exclusive and perpetual right, in preference to any other, to the fruits of his labor. Though the nature of liter-

ary property is peculiar, it is not the less real and valuable. If labor, in producing what was not before known, will give title, then the literary man has title, perfect and absolute."

What ground of distinction, then, is there between a foreign and a domestic author? If the domestic author has "a title, perfect and absolute," to the profits of his labor, why not the foreign? It is only in the most barbarous and savage countries, that the inhabitants rob and plunder, indiscriminately, all foreigners, who come upon their shores. In all other countries, the persons and property and private rights of foreigners are, in time of peace at least, respected, and protected by law, and, to a great extent, even in time of war. It is true, we send out privateers in war time, to take all the private property of the enemy found at sea; but robbery of unarmed men is not then permitted by land. By what rule of natural or international law, then, are letters of marque and reprisal granted, against all foreign authors, in time of peace no less than in a time of war? If a foreigner brings into the country any material product of his labor, wherever produced, and whether he hail from the rising sun or the setting; whatever his nation, his color, or his product, we receive him hospitably, and extend protection to his person and his property. Why, then, if he brings an immaterial product, a literary work, shall we rob him? The true nature of literary property being once admitted, the right, we say the absolute *right*, of the foreigner to have it protected and guarantied to him follows of course. Among all the objections that we have seen stated to this, we have not met with a solitary one that deserves an answer. The objections are unanswerable, because there is nothing in them to answer.

Mr. Nicklin, for instance, in his little publication in opposition to the proposed law for international copyrights, seems to us to advance very little that needs a reply. He begins by professing a vehement desire for the extension of the period of copyright to American citizens, because, forsooth, he has a most tender solicitude for the rights of poor laborious authors. And whence this solicitude for American authors, when he very coolly recommends piracy upon foreign ones? Almost all the copyrights are in the hands of the publishers, and any extension of the time of those now in existence operates for their benefit; for the law of 1831 operates, and any other law framed for this purpose will operate, in favor of

the proprietor of the existing copyright, whoever he may be; since it is not easy, and it is doubtful whether it would be right, to give such a law a different effect. Hence the great solicitude of *the trade* for a more adequate protection of *domestic* literary property. But in regard to poor foreign authors, the case is quite different. None of the literary property created by them is possessed by our publishers, who, therefore, demur; and their love of letters, and concern for the rights of authors, abate and die away amazingly in respect to such authors. Accordingly, Mr. Nicklin, in his book, goes into a computation of the number of persons, paper-makers, printers, book-binders, publishers, &c., some thousands, who derive their support from the republication, in this country, of the works of foreign writers, all of whom must, as we understand Mr. Nicklin to insinuate, lose their bread, if a law shall pass granting copyright to foreigners. It is really unfortunate, if we have some thousands of worthy and industrious citizens, whose living depends upon the sacrifice of the just right of alien authors to the fruits of their own labor, by the sale of its productions in our market. But this does not happen to be the case; for the whole objection is removed by limiting the copyright to works, of which only copies published in this country are put into circulation. Justice may thus be done to foreign authors, without depriving our own citizens of their employments. Or it may be required, that copies printed in the United States, shall be kept on sale at reasonable prices, sufficient to supply the demand, and a high duty imposed on imported copies of the same works. Any measure should be adopted, rather than to deprive authors of the profits of their labors.

Perhaps it would be said, that the foreign proprietors will put too high a price upon their copyright. This objection applies to copyrights to our own citizens with the same force as to those to aliens. Experience demonstrates, that a reasonable price is most for the profit of the proprietor, in either case. But of this let the proprietor judge for himself. Men have the privilege of fixing an extravagant price upon the cotton, tobacco, or flour, which they produce, and thus injuring themselves by their own cupidity; and why not indulge authors with the same privilege? But if there is any great danger, that the public may be deprived of the benefit of the works of authors from this cause, this would be a reason,

not for depriving them of a privilege to which they are entitled, of common and natural right, but for regulating their use of it.

Why, it may be asked, if authors, both foreign and domestic, have so strong a claim to a very extended copyright, that would be equivalent, as far as they are themselves concerned, to a perpetual one, has it not been acknowledged in the legislation of civilized nations? To which it may be replied, that the right of domestic authors is acknowledged in its full extent in some civilized communities, as in Sweden and some of the German states, and to a very considerable extent in every one. Nor are we aware, that the rights of foreign authors are rejected in civilized communities generally. We have not been able to learn, that any distinction is made in England between an alien and a British subject in regard to the privilege of copyright. The statute of 8 Anne, makes no such distinction. The case of D'Almaine and Others, *versus* Boosy,* is an instance of a copyright taken out in England by an Englishman, for a musical composition of a French composer, resident in Paris; the English copyright having been taken out before the publication of the music in France. In the defence of an action for a piracy of the music, no objection was made on the ground of the author being a foreigner. We apprehend, that a foreigner may avail himself of an English copyright, though some specific provision on that subject might be an improvement in the British law.

Movements have been recently made on the same subject in Germany and France; but with what result, we have not learned, nor is this much to the purpose. Before our law of 1831, no country had ever thought of insisting on a reciprocity of tonnage duty on shipping, between itself and other countries. The United States then put forth a general law, for the reciprocal equalization of those duties with all countries, and the principal commercial nations have accepted the proposal. Here was a grand innovation in international legislation, which has swept away the causes of a multitude of vexations to trade, and irritations between nations. It had the effect of putting an end to the exasperating contests of commercial regulations, then going on between France and this country, which might have else led to a spirit of hostility.

* 1 Younge and Collyer, 288.

If the field were equally open on the subject of international copyright regulations, it would be equally honorable to the United States to take the lead, and propose a reciprocity of copyright privilege with every nation whatsoever, that would accept the proposal. We are late, it is true, having been in some degree anticipated in Great Britain, if not elsewhere; but still not too late to do our country great honor, in further securing to authors their just rights.

It may be made a question, whether we shall not be the losers by such a reciprocity. Admit that we shall be so; shall we deprive individuals of their just rights, by refusing to protect them by law, because we may gain an advantage by doing them a wrong? But how shall we suffer? It will not extinguish the light of science, and bring back the dark ages, if the readers of any foreign work hereafter written, that may be thought worth a copyright here, shall contribute something to the author, as well as to the paper-maker, printer, binder, and publisher, for the pleasure and instruction to be derived from his productions. It will certainly not be pretended, that the general progress of science and learning will be thereby retarded. Of recent modern books, a very large part now in general use, namely, those of our own authors, are subject to copyright. If such future works of foreign authors, as shall be deemed of sufficient importance to secure the privilege, shall be added to the list, the difference in expense, or in the diffusion of knowledge or amusement, will not be perceptible. There would be a certainty of economy in the expense of single copies of works very much read, by reason of the publishers' being able to put out very large editions, or to stereotype, which they cannot now do, because of the necessity of haste, in order to anticipate rival editions; and the larger the number any one establishment can print of a work, the cheaper it can be afforded, as everybody very well knows. But whether it would be so or not, let us honestly pay the author something for his part, — no mean part it must be confessed, — of the labor and expense of supplying us with entertainment and knowledge. He doubtless has strong claims upon us in equity, and in law too, if law and right are synonymous; nor is it apparent how it is less discreditable to supply ourselves with books at his expense, than for an insolvent customer to supply himself with coats at the expense of his tailor.

But the publishing class, the *trade*, would they lose? It seems that some of them suppose that they should; at least so we infer from their anxiety concerning the loss and damage to the printers, binders, &c. But we really do not see how they would be the losers by the proposed law. Do the publishers now lose by publishing copyright books? We presume not, in general; for in such case it would be great folly to publish so many; and we cannot see how they would be more likely to be sufferers by publishing the books of foreigners, on contract with the proprietors of the copyright, than by publishing those of American citizens under such a contract. Not that it is at all necessary to prove, that they would not suffer by the proposed law, in order to justify it; for here, as elsewhere, throughout the whole argument, we steadily enter our protest against the dishonesty of gaining by injury to others. For if, by doing justice to foreign authors in allowing to them the fair fruits of their labors, any class of our citizens should be deprived of reaping where they had not sown, it would be no good reason against the law. But we really do not see how it can be made out, that they would suffer any damage. And we are very glad to come to this result; for the publishers are a very important and useful class in the community, and the whole public is in fact interested in their prosperity, no less than in that of the other classes; and upright, honorable dealing, in this as in most other cases, works advantageously for all parties. The fact is, that a very large proportion of the American copyrights to foreigners will fall into the hands of American publishers, as do those now granted to Americans; and there is no special reason for supposing, that they would not bargain as sagaciously for the former as the latter.